

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

CARLOS AMBRIZ,)	Cause No. CV 04-114-GF-CSO
)	
Plaintiff,)	
)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF U.S. MAGISTRATE JUDGE
JAMES MacDONALD, Warden; C/O)	
KENNEDY; UNIT MANAGER FORSMAN; C/O)	
KIMMET; C/O STUBBS; and SRGT.)	
SULLIVAN,)	
)	
Defendants.)	
)	

On February 16, 2006, and again on February 21, March 3, March 10, and March 17, 2006, mail directed to Plaintiff Carlos Ambriz was returned to the Court as undeliverable. Ambriz is proceeding pro se with this action under 42 U.S.C. § 1983.

D. Mont. L.R. 5.4(a) requires parties proceeding pro se to "promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address." In anticipation of being paroled, Ambriz notified the Court that he could be reached at P.O. Box 158, Armona, California 93202. However, mail sent to that address was returned. The Court attempted to serve Ambriz in care of the Helena Probation and

Parole Office, the address that appeared on the CON Network, <http://app.mt.gov/conweb>, but that mail also was returned, with a notation that Ambriz had been deported to Mexico. See Returned Mail (doc. 28).

D. Mont. L.R. 5.4(b) provides:

The Court may dismiss a complaint without prejudice or strike an answer when:

- (1) mail directed to the attorney or pro se party by the Court has been returned to the Court as not deliverable; and
- (2) the Court fails to receive within 60 days of this return a written communication from the attorney or pro se party indicating a current address.

Because Ambriz has not been in contact with the Court since at least February 16, 2006, and because mail addressed to him has been returned as undeliverable, the Court recommends that his case be dismissed without prejudice under D. Mont. L.R. 5.4.

Based on the foregoing, the Court enters the following:

RECOMMENDATION

Ambriz's Complaint (docs. 1, 6, 9) should be DISMISSED WITHOUT PREJUDICE for failure to keep the Court informed of his current mailing address.

The Clerk of Court shall serve a copy of the Findings and Recommendation of the United States Magistrate Judge upon the Plaintiff. Plaintiff is advised that, pursuant to 28 U.S.C. § 636, any objections to these findings must be filed with the Clerk of Court within twenty (20) days after the date on the certificate of

mailing below, or objection is waived.

The Clerk of Court shall serve the Findings and Recommendation on defense counsel and on Ambriz at P.O. Box 158, Armona, California 93202.

DATED this 24th day of April, 2006.

/S/ Carolyn S. Ostby

Carolyn S. Ostby

United States Magistrate Judge